

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITES STATES OF AMERICA)	
)	CASE NO. 3:05-CR-234-A
v.)	
)	
TYRONE WHITE)	

**EMERGENCY MOTION FOR PROTECTIVE ORDER
AND ORDER TO SHOW CAUSE**

COMES NOW the Defendant TYRONE WHITE, by and through his attorney, Julian L. McPhillips, Jr., and on an emergency basis, respectfully moves this Honorable Court, once again, for an ORDER protecting the eleven witnesses named in *Defendant's Motion to Dismiss Indictment and For Sanctions* (Doc. 39), from any contact by the Auburn Police Department, any federal agency or the United States Attorney's Office, and for an ORDER to Show Cause why the Auburn Police Department and Federal Bureau of Investigation should not be held in contempt of this Court for continued intimidation and coercion of witnesses. As ground therefore, the undersigned shows:

1. As set forth in *Defendant's Motion to Dismiss Indictment and For Sanctions* (Doc. 39), the Auburn Police Department, acting in conjunction with, or at the behest of, the federal government, threatened and intimidated witnesses, including the persons named in said motion.
2. The identities of the eleven affiants were necessarily revealed in the aforesaid motion, leaving them exposed to retaliation and further harassment by the government. The Defendant has twice moved this Court for protective Orders for these witnesses, and this Court has twice deferred its decision. The Defendant incorporates herein fully by reference his *Motion for Protective Order* (Doc. 48) and *Emergency Motion for No Contact Order* (Doc. 60-1).

3. Even on this very day, November 29, 2005, as this motion is being prepared, Auburn police officers and federal agents have continued to threaten these witnesses – particularly the three grand jury witnesses, Stinson, Giles and Pitts – in an attempt to keep these witnesses from testifying at the evidentiary hearing set November 30, 2005. Upon information and belief received today, the Auburn Police Department and Federal Bureau of Investigation are tampering with witnesses, threatening incarceration and further harassment, if they testify at the hearing in this case tomorrow.

4. Justice requires that these witnesses testify before this Court unintimidated, and that the government stop its campaign of threats and coercion, and that the Auburn Police Department and Federal Bureau of Investigation show cause why they should not be found in contempt immediately for interfering with witnesses and violating their due process rights under the United States Constitution to testify truthfully before this Court. The government's behavior also violates this defendant's constitutional rights to due process of law, and to mount a defense against the charges pending against him.

WHEREFORE, above premises considered, the undersigned renews his motions that this Honorable Court will ORDER protected, the eleven named affiants in *Defendant's Motion to Dismiss Indictment and For Sanctions* (Doc. 39), from any contact by the Auburn Police Department, any federal agency, or the United States Attorney's Office,

AND FURTHER ORDER the government to show cause why it should not be held in contempt of this court for intimidating witnesses and violating the constitutional due process rights of not only the above-referenced witnesses, but also this defendant.

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RESPECTFULLY SUBMITTED this 29th day of November 2005,

TYRONE WHITE
Defendant

/s/ Julian L. McPhillips, Jr.
JULIAN L. McPHILLIPS, JR.
Attorney for Defendant
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CERTIFICATE OF SERVICE

I certify that, on this date, I have served a copy of the foregoing upon the government by electronic filing, and by e-mailing an additional courtesy copy of same to the government's attorney, Todd A. Brown, Esq.

/s/ Julian L. McPhillips, Jr.
JULIAN L. McPHILLIPS, JR.